

Senate Bill 305  
February 19, 2013  
Presented by Ken McDonald  
Senate Fish and Game Committee

Mr. Chairman and committee members, I am Ken McDonald, Wildlife Division Administrator of the Montana Department of Fish, Wildlife & Parks (FWP). I am here in opposition to Senate Bill 305 because in trying to define wild bison, it actually leads to more confusion about the classification of bison, which is already confusing because of the dual status as a species in need of disease management in Title 81 and as a game animal in Title 87.

SB 305 defines "Wild buffalo" in both Title 81 and Title 87, MCA as buffalo or bison that have never been reduced to captivity and have never been owned by a person. What it doesn't do is say what the classification is of a bison that is not owned by a person but has at some point been in captivity, even if just for hours. Is it now a domestic bison? Or is it a feral bison? And what are the management and jurisdiction implications?

For example, some of the bison that come out of YNP are funneled through a holding facility such as at the Stevens Creek capture facility at the edge of YNP just outside of Gardiner, and are then allowed to continue on. By definition as proposed in this bill, those bison would no longer be "wild bison" because they would have been "reduced to captivity" even if to put them in a trap to control their movement until they are pushed back into the park. SB 305 would turn these bison into either domestic or feral bison as per 81-1-101 just by virtue of FWP exercising management control to avoid public safety issues.

Additionally, these now domestic/feral bison have potential to intermingle with wild bison (by definition) leading to a mixed herd of wild and domestic/feral bison – you can see the potential for confusion. And it supposes that any bison that has been reduced to captivity will need to be marked somehow and records kept for every bison that is marked to know whether it is a wild bison or a domestic/feral bison.

While this bill seems fairly simple and fairly innocuous, it has the effect of classifying nearly all bison in Montana as domestic or feral bison except for a portion of those coming out of YNP that avoid being controlled, and precludes ever having wild bison in Montana except for those that migrate out of YNP and avoid any capture facilities. While this is likely the intent of the sponsor, it also eliminates any public dialog about the role and future of bison as wildlife in Montana, such as FWP is currently trying to do.

As expressed by Director Hagener in a letter to Sen. Brenden and Rep. Welborn:

"FWP has initiated a planning process to explore the potential for bison to be managed as wildlife in Montana. While not required per SB 212, FWP feels it is an important step in first taking a statewide look at bison management in Montana. That planning process included eight public scoping meetings during 2012. That scoping effort generated more than 20,000 comments. The comments from that scoping effort are being summarized and analyzed. If the decision is made to proceed with more site-specific analysis, FWP

would convene local working groups in any area where further consideration is being contemplated to assist FWP with analyzing issues and making recommendations. If a decision was made to proceed with establishing bison in an area of Montana outside of the GYE, a management plan would be developed in compliance with SB 212 (MCA 87-1-216), MEPA, and other statutory requirements. Please be assured that there are no existing plans for establishing bison on non-tribal lands outside of the GYE, nor are there any pre-decided outcomes to the planning process.”

SB305 would supersede that analysis and discussion, and render the issue moot, while making bison management even more confusing and contentious. A helpful alternative would be to simply define Wild Bison as bison “not owned by a person”, which is functionally the definition of all of Montana’s wildlife.

FWP recommends a Do Not Pass on SB 305.